



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/400,365

09/20/99

CHARBEL

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76461

EXAMINER

TM02/0102

WELSH & KATZ LTD.  
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22ND FLOOR  
CHICAGO IL 60606

CHOT, K

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

01/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

***Notice of Non-Responsive Amendment***

1. The reply filed on October 10, 2000 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) (See 37 CFR 1.111):

- a. Amendment to claim 1 is confusing. Parts of the last paragraph on page 1 has been repeated on page 2.
- b. Microfiche appendix has been received on October 20, 2000. However, the specification still has not been amended to reference a "Microfiche Appendix".
- c. The specification still does not reference to parent application serial no. 09/243,870.
- d. The present application is a continuing application to US Application Serial No. 09/243,870. Originally presented, the present application was directed to a method and apparatus for modeling circulation in general of a living subject (see the Title). On the other hand, the parent application 09/243,870 was directed to a method and apparatus for modeling "cerebral circulation" of a living subject (see the Title). However, looking at the two applications and the amendments submitted thereto, it seems the present application has now been amended to included "cerebral" circulation, directing away from general

circulation models whereas the parent application 09/243,870 has delete all references to "cerebral" circulation thereby reciting "general" circulation models.

It is the Examiner's observation that maybe parts of the amendment may have been intermixed between the two applications. For instance, claim 1 of the present application, as amended, recites a method of modeling circulation (in general) but now includes "cerebral" circulation in all other claims. In contrast, claim 1 of the parent application 09/243,870, as amended, recites a method for modeling "cerebral circulation" but all references to cerebral has been deleted in all other claims.

This is more evident in reading the response section of the amendment submitted with the amendment. For instance, on page 6, the response refers to "co-pending application 09/400,365". However, the present application is 09/400,365. Perhaps the response was meant to either (a) refer to parent application 09/243,870, or (b) the response was meant to be filed with the parent application 09/243,870 referring to the present application. It seems clear from that response that parts of the amendment were

intended to be filed with the present application and other parts filed with the parent application 09/243,870.

Consequently, it is confusing as to what the amendment is intending to claim as well as whether the correct amendment was filed with the corresponding applications.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

#### ***Miscellaneous***

3. Applicant's Supplemental Information Disclosure Statement filed October 10, 2000 has been received. This IDS was submitted after mailing of the First Action on the Merits. Hence, applicant needs to file either a certification under \$1.97 for pay a fee of \$240.00 in order for the references to be considered. Since the applicant has authorized charging any unpaid fees to the deposit account in the communication with the IDS, applicant is hereby notified that the amount of \$240.00 has

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been charged and the IDS will be considered in the next Office Action upon receipt of a correct response.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle J. Choi whose telephone number is (703)306-5845. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703)305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-1396 for regular communications and (703)308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

or faxed to:

**(703) 308-9051** (for formal communications intended for

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entry)

or:

(703) 308-1396 (informal or draft communications labeled  
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park  
2, 2121 Crystal Drive, Arlington, VA., 6<sup>th</sup> floor receptionist.

Kyle Choi

A handwritten signature in black ink, appearing to read 'Kyle Choi', with a long horizontal flourish extending to the right.

Patent Examiner  
Art Unit 2163

December 27, 2000